

K. P. asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge La Jeunesse's denial of Ms. P.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

On December 19, 2003, Ms. P. filed an application with the Commission to compel Smith's Food King ("Smith's") to pay workers' compensation benefits for injuries Ms. P. allegedly suffered on September 18, 2001, while working for Smith's. Judge La Jeunesse held an evidentiary hearing on Ms. P.'s claim on June 1, 2004. On November 19, 2004, Judge La Jeunesse issued his decision denying the claim on the grounds that Ms. P.'s work at Smith's was neither the legal nor medical cause of her injuries.

Ms. P. filed a timely motion for review of Judge La Jeunesse's decision on December 20, 2004. In her motion for review, Ms. P. contends that Judge La Jeunesse incorrectly stated the physical demands of her work at Smith's. Ms. P. also contends Judge La Jeunesse misapplied the requirements of legal and medical causation.

FINDINGS OF FACT

The Appeals Board adopts Judge La Jeunesse's findings of fact. In summary, Ms. P. has a history of spinal disc pathology that dates back to 1996. Even before her alleged work injury on September 18, 2001, she experienced chronic low back and leg pain. Although Ms. P. claims additional injury from lifting a produce container at Smith's on September 18, 2001, the medical evidence establishes no causal connection between Ms. P.'s alleged work exertion and the medical problems for which she now claims benefits.

DISCUSSION AND CONCLUSIONS OF LAW

Section 34A-2-401 of the Utah Workers' Compensation Act requires employers and their insurance carriers to pay medical and disability benefits to workers injured by accident "arising out of and in the course of" employment. An injury "arises out of employment" when the work is **both** the legal and medical cause of the injury. Allen v. Industrial Commission, 729 P.2d 15, 26 (Utah 1986).

With respect to the requirement of medical causation, the applicant must "show by evidence, opinion or otherwise that the stress, strain or exertion required by his or her occupation led to the resulting injury or disability." Allen at 27. In this case, Ms. P. has presented her own opinion, but no medical evidence or expert opinion, that her work at Smith's medically caused her back problems. On the other hand, Smith's has presented expert medical opinion that Ms. P.'s work at Smith's did not cause her back problems. Based on this evidence, the Appeals Board concludes, as

did Judge La Jeunesse, that the preponderance of evidence shows no medical causal connection between Ms. P.'s work and her back injuries.

Because Ms. P. has not met the requirement of medical causation, the Appeals Board concludes that her injuries did not arise out of her employment at Smith's. She is therefore not entitled to workers' compensation benefits for those injuries.¹

ORDER

The Appeals Board affirms Judge La Jeunesse's decision and denies Ms. P.'s motion for review. It is so ordered.

Dated this 31st day of March, 2005.

Colleen S. Colton, Chair
Patricia S. Drawe
Joseph E. Hatch

1. In light of Ms. P.'s failure to demonstrate medical causation, the Appeals Board finds it unnecessary to consider her arguments regarding legal causation.